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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In Re Application of

CHEVRON CORPORATION, a Delaware
corporation,

Applicant,

vs.

E-TECH INTERNATIONAL,, et al.,

Respondents.

CASE NO. 10cv1146-IEG (WMC)

ORDER SETTING FORENSIC
IMAGING PROTOCOL

On February 11, 2011, this Court entered an Order (Dkt. 107) granting Chevron's Motion to Compel Production of William Powers's Computer Hard Drive. On May 19, 2011 the Court denied a motion for reconsideration of that order (Dkt. 116).

Pursuant to the Court's February 11, 2011 order, the Parties selected Mr. Christopher Pavan of 42LLC as the examiner to conduct imaging and related searches of Mr. Powers's hard drive. Pursuant to this Court's May 19, 2011 order, Mr. Pavan has now created an image of Mr. Powers's hard drive and is prepared to search that image for responsive documents once a protocol is approved by this Court. Pursuant to the Court's June 3, 2011 (Dkt. 118) minute order, the Parties have meet and conferred on a protocol and related search terms.

The Court **ORDERS** the following protocol for searching Mr. Powers's hard drive:

1 1. Pursuant to the Court's February 11, 2010 order, 42LLC will make three additional,
2 identical forensic images of Mr. Powers' hard drive. One shall be delivered to the Court and filed
3 under seal until further order of the Court. The others shall be retained by 42LLC for later use by
4 the parties if necessary.

5 2. 42LLC shall query the image of Mr. Power's hard drive using the search terms included
6 in Attachment A in order to identify "Potentially Responsive Documents." The presence of a term
7 highlighted on Attachment A shall be considered a detection of a Potentially Responsive
8 Document only if a non-highlighted term on Attachment A is also present in the document.
9 "Potentially Responsive Documents" includes without limitation emails, databases, charts, text
10 documents, logs (including without limitation Skype logs), pictures and images, and GIS related
11 files.

12 3. 42LLC shall will query the Potentially Responsive Documents using terms, listed below,
13 intended to cull out documents likely to be privileged and to refine the use of the search terms
14 listed on Attachment A ("Potentially Privileged Documents").
15

16 3.1. **Terms for Potentially Privileged Documents**

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18 maguirre@amslawyers.com

19 cmorris@amslawyers.com

20 4. The Parties agree that the relevant date range is January 2005 to the present;

21 4.1. Due to the way different files are stored on computers, it may not be possible
22 to apply date ranges. If a date cannot be determined for a particular file that
23 contains one or more of the Potentially Responsive Document terms, that
24 file shall be included within the Potentially Responsive Documents.

25 5. 42LLC will filter out system based / non-user files, further referred to as "user-
26 based files."

27 6. The user-based files will be processed in the following manner:

28 6.1. User-based files will be filtered by date range, if applicable.

1 6.2 Optical Character Recognition ("OCR") will be performed on all appropriate
2 file types, to include attachments in email.

3 6.3 User-based files and OCR'd data will be indexed for searching.

4 7. 42LLC will make available to Counsel for Mr. Powers the documents marked
5 Potentially Privileged for counsel to determine whether the documents are in fact privileged and
6 therefore should be included on a privilege log or instead whether the documents are not privileged
7 and should be produced. Counsel for Powers shall have until August 25, 2011 to identify such
8 documents as privileged on a privilege log.

9 7.1. For purposes of this Protocol, the Parties agree that communications
10 between attorneys or agents of Aguirre Morris & Severson, on the one hand and Mr.
11 Powers, on the other hand, need not be placed on a privilege log for privilege to be asserted
12 unless those communications were sent to or include third parties.

13 7.2 All privilege assertions shall be made in good faith and shall be consistent
14 with prior rulings of the Court on privilege;

15 8. The Potentially Responsive Documents will be made available for review by
16 Counsel for Mr. Powers.

17 8.1. Counsel will review the data for relevance and privilege. Documents will be
18 marked in one of the following ways by Counsel for Mr. Powers:

19 8.1.1. Responsive

20 8.1.2. Non-Responsive

21 8.1.3. Privileged

22 8.2. Counsel for Powers shall have until August 25, 2011 to designate documents
23 as Responsive, Non-Responsive or Privileged. Privileged documents that are otherwise
24 responsive shall be placed on a privilege log pursuant to section 11 above.

25 9. All documents not designated as Non-Responsive or Privileged will be
26 electronically produced to Counsel for Chevron. Responsive but Privileged documents shall be
27 withheld pursuant to a privilege log.
28

